

**REMARKS**

**I. Formalities**

Applicant thanks the Examiner for correcting his failure to initial a reference listed with the Information Disclosure Statement ("IDS") filed on December 20, 2001, as requested in the Response filed on October 13, 2004.

However, the Examiner still has not signed and returned a copy of the Form PTO 1449 submitted by Applicant with the IDS filed on July 29, 2003. Thus, Applicant respectfully requests that the Examiner sign the aforementioned Form PTO 1449, initial the references cited therein, and return a copy with the next office paper.

Additionally, the Examiner still has not indicated whether the Formal Drawings filed on June 9, 2000 have been accepted. Applicant kindly requests that the Examiner acknowledge and approve the aforementioned Formal Drawings.

**II. Status of the Application**

By the present amendment, claims 1, 16, 19, 27 and 29 have been amended. Further, claim 10 has been canceled without prejudice or disclaimer. Claims 1-8 and 11-30 are all the claims pending in the Application, with claims 1, 16, 19, 27, and 29 being in independent form. Claims 1-8 and 10-30 have been rejected.

The present amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

### III. Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-8 and 10-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,191,611 to Lang (hereinafter “Lang”), in view of U.S. Patent No. 4,907,268 to Bosen *et al.* (hereinafter “Bosen”), in view of European Patent 0 878 780 A2 to Whytock (hereinafter “Whytock”) and further in view U.S. Patent No. 5,948,103 to Fukuzaki (hereinafter “Fukuzaki”). Applicant respectfully traverses these rejections for *at least* the independent reasons set forth below.

#### A. Dependent Claim 10

Dependent claim 10 has been canceled without prejudice or disclaimer, therefore the rejection with respect to this claim is now moot.

#### B. Independent Claim 1

In order for the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must show that Lang, Bosen, Whytock, Fukuzaki, or some combination thereof, teach or suggest all of the limitations of claim 1. Applicant respectfully submits that neither Lang, Bosen, Whytock, Fukuzaki, nor any combination thereof, teaches or suggests all of the limitations of claim 1.

Claim 1 has been amended to recite (among other things):

said controller executes the program stored  
in said memory to:...

...determine that said system is operated by a certified operator only when said medium verification device verifies that said first recording medium is a certified medium, and all three of the data on physical characteristics of an operator obtained by said physical characteristic data obtaining unit, the data regarding the physical, characteristics of an operator which said data reader has read from said first recording medium, and the data on the physical characteristics stored in said third storage unit, correspond to one another...

Applicant submits that neither Lang, Bosen, Whytock, Fukuzaki, nor any combination thereof, teaches or suggests the feature of determining that a system is operated by a certified operator only when a medium verification device verifies that a first recording medium is a certified medium, and all three of (1) the data on physical characteristics of an operator obtained by a physical characteristic data obtaining unit, (2) the data regarding the physical, characteristics of an operator which a data reader has read from said first recording medium, and (3) the data on the physical characteristics stored in said third storage unit, correspond to one another, as recited in claim 1.

Indeed, the Examiner acknowledges that neither Lang, Bosen, nor any combination thereof, teaches or suggests the feature of a storage unit which stores the physical characteristics of a certified operator. (02/10/05 Office Action, page 5). The Examiner also acknowledges that neither Lang, Bosen, nor any combination thereof, teaches or suggests the feature of a comparison between data on physical characteristics of an operator obtained by a physical characteristic data obtaining unit and the data on the physical characteristics stored in a storage

unit. (02/10/05 Office Action, page 5). Nonetheless, the grounds of rejection rely on Whytock as allegedly teaching or suggesting these features.

However, Whytock provides no teaching or suggestion whatsoever regarding the feature of determining that a system is operated by a certified operator only when a medium verification device verifies that a first recording medium is a certified medium, and all three of the data on physical characteristics of an operator obtained by a physical characteristic data obtaining unit, the data regarding the physical, characteristics of an operator which a data reader has read from said first recording medium, and the data on the physical characteristics stored in said third storage unit, correspond to one another, as recited in claim 1. In fact, Whytock expressly teaches away from this feature.

In contrast to the requirements of claim 1, Whytock merely teaches that in one embodiment, as a further identity check, the user of an automated teller machine (“ATM”) allows the digital camera 28 to scan the iris of one of the user’s eyes. (Column 2, lines 3-10). Thus, Whytock teaches that the data processing means 26 then completes this further identity check by accessing reference information in the host computer 30. (Column 2, lines 10-13). Specifically, Whytock teaches that the data processing means 26 retrieves from the host computer 30 the digital matched spatial filter of the iris of the user, in order to complete the further identity check. (Column 3, lines 24-30).

In another embodiment, Whytock teaches that as an alternative to storing the matched spatial filter of the user’s iris in the host computer 30, the matched spatial filter of the user’s iris may be downloaded onto a smart card. (Column 3, line 55 – column 4, line 3). Hence, Whytock

teaches that according to this alternative embodiment, rather than verifying a user by retrieving the matched spatial filter of the user's iris from the host computer 30, the matched spatial filter of the user's iris that is stored in the user's smart card is uploaded and utilized for verification purposes. (Column 3, line 55 – column 4, line 11).

That is, Whytock teaches that information uploaded from a smart card may be used as an alternative to downloading information regarding the user's iris from the host computer 30. As a result, Whytock expressly teaches away from the feature of determining whether all three of the data on physical characteristics of an operator obtained by said physical characteristic data obtaining unit, the data regarding the physical, characteristics of an operator which said data reader has read from said first recording medium, and the data on the physical characteristics stored in said third storage unit, correspond to one another, as recited in claim 1. Furthermore, Fukuzaki does not cure the deficient teachings of Lang, Bosen, and Whytock.

Therefore, Applicant submits that neither Lang, Bosen, Whytock, Fukuzaki nor any combination thereof, teaches or suggests all the features recited in claim 1. Further, Applicant submits that since Whytock expressly teaches away from the features recited in claim 1, one of ordinary skill in the art would not have been motivated to combine and modify Lang, Bosen, Whytock, and Fukuzaki to arrive at the invention recited in claim 1.

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied references for *at least* these independent reasons. Further, Applicant respectfully submits that dependent claims 2-8 and 11-15 are allowable, *at least* by virtue of their dependency.

Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

**C. Independent Claim 16**

Independent claim 16 has been amended to recite (among other things):

...user verification means for determining that an operator is certified when all three of the data relating to the physical characteristics of the operator obtained by said physical characteristic data obtaining means, the data regarding the physical characteristics of an operator which said medium reading means has read from said recording medium, and the data relating to the physical characteristics stored in said physical characteristic data storage means correspond to one another...

In view of the similarity between the requirements of claim 16 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 16. As such, it is respectfully submitted that claim 16 is patentably distinguishable over Lang, Bosen, Whytock, Fukuzaki, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claims 17-18 are allowable over the applied references *at least* by virtue of their dependency on claim 16. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

**D. Independent Claim 19**

Independent claim 19 has been amended to recite (among other things):

...discriminating that a certified operator operates said system when all three of the obtained data relating to the physical characteristics of an operator, the pre-stored data relating to physical characteristics of the certified operator, and the data regarding the physical characteristics of an operator read from said recording medium correspond to one another...

In view of the similarity between the requirements of claim 19 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 19. As such, it is respectfully submitted that claim 19 is patentably distinguishable over Lang, Bosen, Whytock, Fukuzaki, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claims 20-26 are allowable over the applied references *at least* by virtue of their dependency on claim 19. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

**E. Independent Claim 27**

Independent claim 27 has been amended to recite (among other things):

...obtaining data relating to physical characteristics of an operator, and discriminating that a certified operator operates said system when all three of the obtained data relating to the physical characteristics of an operator, the pre-stored data relating to physical characteristics of the certified operator, and the data regarding the physical characteristics of an operator read from said recording medium correspond to one another...

In view of the similarity between the requirements of claim 27 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the

foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 27. As such, it is respectfully submitted that claim 27 is patentably distinguishable over Lang, Bosen, Whytock, Fukuzaki, and any combination thereof, for *at least* these reasons.

Further, Applicant respectfully submits that the dependent claim 28 is allowable over the applied references *at least* by virtue of its dependency on claim 27. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

**F. Independent Claim 29**

Independent claim 29 has been amended to recite (among other things):

...a segment for obtaining data relating to physical characteristics of an operator, and discriminating that an operator is a certified operator when all three of the obtained data relating to the physical characteristics of an operator, the pre-stored data relating to physical characteristics of the certified operator, and the data regarding the physical characteristics of an operator read from said recording medium correspond to one another...

In view of the similarity between the requirements of claim 29 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 29. As such, it is respectfully submitted that claim 29 is patentably distinguishable over Lang, Bosen, Whytock, Fukuzaki, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claim 30 is allowable over the applied references *at least* by virtue of its dependency on claim 29. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.



**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

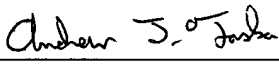
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**23373**

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